## COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION

#### In the Matter of:

Boyertown Sanitary Disposal Co., Inc.

and

Mr. Warren K. Frame

- : Municipal and Hazardous Waste Landfill Violations
- : Boyertown Sanitary Landfill
- : Permit No. 100550
- : EPA ID Number PAD048603005
- : Douglass Township
- : Montgomery County

## **ORDER**

NOW, This 25th day of March, 1997, the Commonwealth of Pennsylvania, Department of Environmental Protection (hereinafter the "Department"), has determined that:

- A. The Department is the agency with the duty and authority to administer and enforce the Solid Waste Management Act, Act of July 7, 1980, P.L. 380, as amended 35 P.S. § 6018.101 et seq. ("SWMA"); the Clean Streams Law, Act of June 22, 1937, P.L. 1987, as amended, 35 P.S. § 691.1 et seq. ("CSL"); Section 1917-A of the Administrative Code of 1929, Act of April 9, 1929, P.L. 177, as amended, 71 P.S. § 510-17 ("Administrative Code") and the rules and regulations promulgated thereunder.
- B. Boyertown is a corporation qualified to do business in Pennsylvania and maintains a business address of RD 1, Box 360, Glenmoore, PA 19343.
- C. Boyertown owns and operates Boyertown Sanitary Landfill ("Boyertown Landfill" or "the landfill"), a closed municipal waste and hazardous waste disposal facility located at 300 Merkel Road, Gilbertsville, Douglass Township, Montgomery County, Pennsylvania.
- D. Mr. Warren K. Frame ("Frame") is an individual who is CEO of Boyertown Landfill and has been in charge of the day to day operation of the landfill from at least August of 1984 to the present.

- E. The leachate generated by the landfill constitutes hazardous waste under the SWMA, and an 'industrial waste' and/or a "polluting substance" under the CSL.
- F. The landfill is identified by US EPA identification number PAD048603005.
- G. Inspections conducted by the Department on March 8 and 17, 1995 revealed that Boyertown and/or Frame failed to maintain two feet of freeboard in the raw leachate surface impoundment as a means to prevent any overtopping of the dike by overfilling, wave action or a storm. Boyertown and/or Frame also failed to maintain and monitor the leachate collection, removal, and treatment system to prevent excess accumulation of leachate in the system. This is a violation of 25 PA. Code §§265.222 and 265.310(c)(3).
- H. On March 22, 1995 the Department issued a Compliance Order to Boyertown and Frame concerning the unpermitted discharge of hazardous waste leachate from the raw leachate surface impoundment. The Order required Boyertown and/or Frame to achieve and maintain a minimum freeboard of two feet in the raw, untreated hazardous waste leachate surface impoundment. A copy of the Compliance Order is attached hereto as Appendix A.
- I. The Department's Compliance Order was not appealed. The findings of fact and conclusions of law in the Compliance Order are incorporated as if fully set forth herein.
- J. Inspections conducted by the Department on April 3, 13, 25, May 2 and 4, 1995 revealed that Boyertown had failed to achieve and maintain a minimum freeboard of two (2) feet in the raw, untreated hazardous waste leachate surface impoundment. This is a violation of the Corrective Action Required or Activity to be Ceased paragraphs in the March 22, 1995 Compliance Order and 35 P.S. § 6018.603.
- K. Boyertown and/or Frame have failed to conduct quarterly groundwater monitoring at the landfill for the four quarters of 1993, the four quarters of 1994, the four quarters of 1995, and the first three quarters of 1996. This is a violation of 25 PA. Code §§ 265.92(e)(2) and 265.310 (c)(2), of the Hazardous Waste Regulations; and/or 25 PA Code §§ 273.284 and 273.201(c),of the Municipal Waste Regulations; and condition number 2 of Boyertown's Solid Waste Management Permit No. 100550.
- L. Department inspections conducted at the landfill on October 20 and 23, 1995, and on February 14, May 2, and September 13, of 1996, revealed that Boyertown is recirculating leachate back into the landfill through a hole excavated into the cap of the landfill. This is a violation of 25 PA. Code §§ 264.305(13), 265.310 (c)(1), of the Hazardous Waste Regulations and 25 PA Code §§ 273.218(b), and 273.272(a) of the Municipal Waste Regulations.
- M. The Department's inspections of October 20 and 23, 1995 also revealed that Boyertown and/or Frame spilled oil onto the soil beneath an oil-hauling tanker truck located at the landfill. The oil entered Minister Creek, a water of the Commonwealth. This constitutes an unpermitted discharge of industrial waste and/or other pollutants into a water of the Commonwealth, and is a violation of 25 PA. Code §101.3(a).

- N. Department inspections conducted on February 14, May 2, and September 13, of 1996 have revealed that the oil-contaminated soil remains at the landfill. Boyertown and/or Frame's failure to remove the contaminated soil to an approved waste disposal facility constitutes unpermitted disposal of residual waste at the landfill, a violation of 25 PA. Code §287.101(a).
- O. Boyertown and/or Frame have failed to maintain and monitor the leachate collection, removal, and treatment system to prevent excess accumulation of leachate in the system, a violation of 25 Pa. Code §265.310(c)(3). Department inspections conducted on April 3, 13, 25, May 2 and 4, 1995 and on October 20 and 23, 1995, revealed that some leachate from both the leachate collection system and the raw leachate impoundment is escaping the collection system and impoundment, and is discharging into the surrounding soils. This activity also constitutes an unpermitted disposal of hazardous waste pursuant to and in violation of 25 PA. Code §270.1(a).
- P. The acts, omissions and conditions identified in Paragraphs G through P above constitute violations of Sections 401, 403, 603, and 610 of SWMA, 35 P.S. §§ 6018.401, 6018.403, 6018.603 and 6018.610, and Sections 307 (a) & (c) and 316 of the CSL.
- Q. The violations described in Paragraphs G through P above constitute unlawful conduct under Section 610 of the SWMA, 35 P.S. § 6018.610, and Section 611 of the Clean Streams Law, a statutory public nuisance under Section 601 of the Solid Waste Management Act, 35 P.S. § 6018.601, and Section 307(c) of the CSL, and subject Boyertown and/or Frame to civil penalty liability under Section 605 of the Solid Waste Management Act, 35 P.S. § 6018.605.
- R. Pursuant to Section 602 of the Solid Waste Management Act, and Section 316 and 610 of the Clean Streams Law, if the Department finds that the unpermitted discharge and disposal of solid waste is causing pollution of air, water, land, or other natural resources of the Commonwealth, or is creating a public nuisance, the Department may order the responsible party to conduct activities as required to prevent pollution and public nuisances.

**NOW,THEREFORE**, on this 25th day of March, 1997, pursuant to Section 602 of the Solid Waste Management Act, 35 P.S. § 6018.602, Sections 316 and 610 of the Clean Streams Law, 35 P.S. §§ 691.316 and 691.610, and Section 1917-A of the Administrative Code, it is hereby **ORDERED** that:

- 1. Boyertown and Frame shall immediately cease the recirculation of landfill leachate back into the landfill.
- 2. By April 21, 1997 Boyertown and Frame shall achieve and maintain two feet of freeboard in the raw leachate surface impoundment, as well as the two leachate basins. The leachate removed from the impoundment and basins must be properly treated and disposed in accordance with all applicable requirements.

- 3. By April 25, 1997, Boyertown and Frame shall resume groundwater monitoring for all Form 19 Municipal Waste Landfill Quarterly and Annual Water Quality Analyses (revised 7/95) parameters, and continue the groundwater monitoring on a quarterly basis. The first quarterly sampling event shall be extended to include all parameters specified on the Hazardous Waste Groundwater Monitoring Semi-annual Report (revised 9/95). A copy of the Form 19 is enclosed with this Order. Boyertown and/or Frame shall maintain monitoring wells in accordance with, but not limited to, 25 PA. Code §265.91(d)(1) and (2) relating to highly visible colors and numbers on the steel casings, and locks and caps on the wells to prevent vandalism.
- 4. By April 25, 1997, Boyertown and/or Frame shall submit a written plan for the repair of the landfill cap in the two areas which were damaged as a result of the construction of recirculation pits. The plan shall be implemented within 2 weeks of the Department's approval, or approval with modifications, and said repair shall be completed no later than June 13, 1997.
- 5. By April 25, 1997 Boyertown and Frame shall determine the cyanide levels of the treated leachate. If the analytical data from the sampling indicates that a reduction in the cyanide levels in the treated leachate is required to meet the Berks-Montgomery Municipal Authority ("BMMA") allowable discharge limit of .5 mg./L of cyanide, Boyertown and/or Frame shall submit a plan, including recommendations and a schedule for actions which Boyertown and/or Frame will take to reduce the cyanide levels to the BMMA allowable limit and contract with BMMA to resume receiving the treated leachate from Boyertown Landfill. The plan, if necessary, shall be implemented within 2 weeks of the Department's review and approval, or approval with modifications.
- 6. By April 25, 1997 Boyertown and Frame shall inspect the three leachate impoundments specified in paragraph 3 above, and the leachate collection system at MH/Pump Station #7 which is nearest to the leachate basins. The inspection shall evaluate the integrity of the impoundments and collection system.
- 7. By May 9, 1997 Boyertown and/or Frame shall submit to the Department a written report including, but not limited to, a description of the methods used for evaluating the impoundments and collection system, the results of the evaluation conducted pursuant to paragraph number 7 of this Order, as well as a schedule for the repair of the system. Upon Departmental review and written approval or approval with modifications of the report, Boyertown and Frame shall immediately implement the repairs and schedule as Departmentally approved or approved with modifications. In no event shall repairs be scheduled to be completed later than June 30, 1997.
- 8. Civil Penalties. Within thirty (30) days of the date of this Order, Boyertown and/or Frame shall pay a civil penalty of TWENTY THREE THOUSAND DOLLARS (\$23,000.00) for the violations set forth in Paragraphs G through O above, covering the dates specifically identified and no others. The payment shall be made by corporate check or the like made payable to the Solid Waste Abatement Fund and submitted to:

Regional Program Manager
Department of Environmental Protection
Waste Management Program
Lee Park, Suite 6010
555 North Lane
Conshohocken, PA 19428

This action of the Department may be appealable, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. Section 7514, and the Administrative Agency Law, 2 PA C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17101-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service at 800-654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal from and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audio tape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statute and decisional law.

FOR THE COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION

Ronald C. Furlan, P.E. Date
Regional Solid Waste Manager
Waste Management Program

18392

	PHONE CALL DISCUSSION FIELD TRIP CONFERENCE
RECORD OF COMMUNICATION	OTHER (SPECIFY)
Commercial	(Record of item checked above)
TO:	FROM: DATE / /
TO: Greg toldonut, 3AW22	Tim Sheekan, DER 10/5/83
	Tim Sheehan, DER 10/5/83  TIME 12:30 PM
SUBJECT	100011
Boyertown Sanitary	Disposal Co.
SUMMARY OF COMMUNICATION	
The attached Consent	+ Order is being revised. The Order
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CONCLUSIONS, ACTION TAKEN OR REQUIRED	
INFORMATION COPIES	
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REPORT	OF	PAYMENTS	DUE

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	Gilbertsvill	le PA 1	9525		
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18395 Rod 2/9/88
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February 3, 1988

File with RURA PAD 048603005

United States Environmental Protection Agency Central Regional Laboratory 839 Bestgate Road Annapolis, Md. 21401

Attn: Mr. Leo Clark

BOYERTOWN SANITARY DISPOS

Re: Boyertown Leachate Treatment Facility Analysis

Dear Mr. Clark:

Pursuant to our telecon of February 3, 1988, we are writing this request for analytical data generated from samples taken at the Boyertown Leachate Treatment Facility. We understand these samples were taken in the summer of 1985 by R. Drew Lausch, who has since transferred to EPA Region III.

Our client, Michael P. Miller, vice president of Boyertown Landfill informed us that he had previously requested a copy of the analytical results. However, he did not put forth that request in writing. Mr. Miller has directed us to contact you and obtain the analytical results.

These results will assist Dr. Richard Talbot (Process Engineer) and the undersigned (Design Engineer) to evaluate the performance of each individual unit process.

We currently have over two years of analytical data on the raw leachate and final effluent which we would be happy to publish in the form of an EPA manual if deemed appropriate. Should you have any questions concerning this matter, please contact our office at 215-566-5599. Thank you.

Very truly yours, Richard S. Talbot & Associates, Inc.

WCB William C. Baldwin Project Manager

cc: Michael Miller, Boyertown Disposal Company Greg Koltonuk, EPA Region III

## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

### **REGION III**

841 Chestnut Building Philadelphia, Pennsylvania 19107

SUBJECT:

Boyertown Sanitary Disposal Authority -

Gilbertsville, Pa.

Groundwater Monitoring Inspection

DATE: 4/10/St

FROM:

Greg Koltonuk, EPS

PA RCRA Enforcement Section (3HW11)

TO:

George Houghton

Central Regional Laboratory (3ES22)

For your planned sampling inspection at BSDA during the week of 5/14/86 please provide analyses for the parameters listed below.

(1) pH, specific conductivity, alkalinity, chloride, sulfate, floride, ammonia nitrogen, nitrate, nitrite, total kjeldahl nitrogen, Total solids, Total dissolved solids.

(2) Total and Dissolved metals analysis for:

Metal	Detection Limit (ppb)
Aluminum Cadmium Chromium (total & hexavalent) Iron	50 1 5 30
Manganese	5
Nickel	20
Lead	5
Zinc	10
Arsenic	5
Silver	5
Barium	100 <sup>°</sup>
Selenium	1
Mercury	0.2

(3) Organics (based upon 7/85 data from BSDA)

Total Phenol

\*Methylene Chloride

Acetone

\*1,1 - dichloroethylene

\*1,1 - dichloroethane

\*trans - 1,2 - dichloroethylene

\*Chloroform

Methylethylketone (MEK)

\*Trichloroethylene (TCE)

\*Benzene

Methylisobutylketone (MIBK)

\*Tetrachloroethylene

\*Toluene

\*Chlorobenzene

\*Ethyl benzene

ortho and meta-xylenes

The Pennsylvania Department of Environmental Resources will be submitting to me a copy of the 7/85 BSDA document cited in #3 above. A copy will be forwarded to you.

Also, for the Organics listed in #3 above; our hydrogeologists recommend using Method 624 - Purgeable Scan, which should include all of the asterisked compounds.

Please call if you have any questions.

cc: Ken McGill (3HWll)

Thomas Buntin - Pa. Dept. of Environmental Resources
Norristown, Pa.

Daniel Donnelly (3ES21)

## PA - 244

## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region III - 6th & Walnut Sts. Philadelphia, Pa. 19106 1839

SUBJECT:

A toxicological assessment of the Boyertown Sanitary

Landfill

DATE: DEC

3 1984

FROM:

Dick Brunker, Toxicologist

Site Investigation and Support (3HW23

Douglass Hill, SIO

TO: Site Trypetication

Site Investigation and Support (3HW23)

## Summary

It is evident form the monitoring well collections that the associated aquifer has been contaminated by the several carcinogens including trichloroethylene, arsenic, and beryllium. It also contains levels of chromium, nickel, mercury, and lead that are above the current recommended contaminatent levels for drinking water, a hydrogeological survey is recommended to determine whether this contamination is a threat to local wells.

The more notable aspects of these data concern the indications of groundwater contamination in the vicinity of the site as revealed by the monitoring well results. One of these wells (MW#1) contained a concentration of trichloroethylene (100ug/1) that is calculated to cause 37 additional cancer cases in a population of one million individuals who might consume such water over a lifetime (70 years). All of the monitoring wells except MW#1 contain levels of arsenic that are calculated to cause hundreds and even thousands of additional cancers cases in such a population over a lifetime. The concentrations of beryllium in three monitoring wells (#4, #6, and #7) are also higher than the current criteria for recommended acceptable cancer risks. These wells also contain concentrations of mercury that exceed current primary maximum contaminant level (MCL) criteria for this element.

Some wells (MW #4, MW #6, and MW #11) also contain concentrations of chromium that exceed primary maximum contaminant levels(MCL) for community water systems. This MCL is 50 ug/l and the levels detected in these wells; 150, 230, and 110 ug/l respectively may cause adverse health effects if consumed over an extended interval of months or years. These wells and monitoring wells #5, #7, #8, and #11 also contain concentrations of lead that exceed similar criteria and the consumption of such waters could cause chronic health problems because of this contamination. Monitoring wells #4 and #6 also contain concentrations of nickel that are approximately twice the recommended maximum contaminant level for that element indicating that these waters may cause health problems if consumed over an extended interval of time.

The only substance of concern found in the home wells was  $0.36~\rm ug/1$  of mercury in Home Well #2. This level is about three times higher than the current MCL of  $0.144~\rm ug/1$  for this heavy metal and suggests a possible risk exists with the consumption of this water for an extended interval.

The sediment collection labeled "Creek Upstream" (C7976) was found to contain a vast array of polynuclear aromatic hydrocarbon (PAH) compounds. These substances are contaminants from coal burning, coal tar products, and related operations. The relative risk of these substances as toxins or carcinogens is considered to be proportional to the sum of their concentrations as a group. The concentration reported are likely to cause considerable perturbations to the ecology of this aquatic system. These PAH compounds have been determined to be contact (skin) and digestive tract carcinogens. The failure to detect these substances in "Downstream" sediments is curious.

The Holding Pond (C7971) contained numerous volitile organic compounds (VOC). Some of these compounds were detected in concentraions that are considered to be a cancer threat in drinking water. These include chlorobenzene, methylene chloride, trichloroethylene, and vinyl chloride.

The presence of these and other VOC compounds in this pond, some at very high levels, (e.g. tolune, acetone, and 2-butanone) suggests recent polluting activity since these substances volitilize fairly rapidly.

The Holding Pond collection (C7971) was cited as containing 0.36~ug/l of mercury. This exceeds the current recommended level of 0.20~ug/l which was established to protect the ecology of aquatic systems.

The Witness Systems collections (C7942) and its duplicate (C7972) appear to confirm the leaching of the carcinogens benzene, chlorobenzene, vinyl chloride, as well as other VOC compounds from the landfill.

The sediments of all of the creek collections (MC3812H, MC2918, and MC 2963) are contaminated with concentrations of chromium, beryllium, copper, nickel, and zinc. These elements are in sufficient concentrations to have a harmful impact on the biological forms in this sediment. The southeast seep (C3827) also contains concentrations of these elements and probably has a deterious effect on the local aquatic ecology.

File Review at Norvistann State Brungwick Formation will wood 1965.

Flowing a tesian well alose?

Water Resourse Bullitin W33 FR & 5 talk to Joe Manduke

he has a lot of new information The Landfillhäs been reopened since la box day. PMW12 - New montoring well

PPW1 - now production well Phase I Application 11/1/82 Module 2 5 trike of norts Nzo° to 30° W dig 18-24°NE dominant joint set N 45°-50°w and N 40°- 45°E minor joint set oriented Fold ax 15 strike 1860 w plange zoon-Nu freenman pw 1955 Grondwater ves of Bucker Co PA 600 Sween 4th Series Bull w-11

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# Organics

mw.1 well near main tenence building is contaminaded with organics

TCE 100 ppb

1-2 trans dichtoroettene 27ppb

withoute leachate leaking
Benzene 26ppb
Chlorobenzene 6ppb
Chloroethono 25ppb
Ethylbenzene 35ppb
Vinil Chloride 7ppb
Ymothyl 2pentenone 100ppb

which is the same materials found in the holding bend for treatment gystem of leachade from landstill

None of the RCRA moniforinguells
ty ts, the to the name of Il show.
any organic confumination.

The stream samples are non conclusive since the paradient sample has higher PAHO levels than the downgrahen samples.

Home well have no organice ondomination

South east seep has Anthracene, O-xylene

contamination:

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## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region III - 6th & Walnut St. Philadelphia, Pa. 19106

SUBJECT: RCRA Inspection - Boyertown landary Disposal Co.
PAD 0486 03005

DATE: 10/28/83

FROM:

Gregory Koltonuk ok Environmental Scientist (3AW22)

TO:

File

THRU: Peter

Waste Enforcement Section (3AW22)

THE STATE IS TAKING ACTION TO RESOLVE THE VIOLATIONS IN THIS

INSPECTION REPORT.

WE WILL MONITOR THE STATE ACTIVITY REGARDING RESOLUTION OF THESE

VIOLATIONS.

## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region III — 6th & Walnut Sts. Philadelphia, Pa. 19106

SUBJECT: RCRA Inspection Boyertown Santary Disposal Co. - PAD 048603005.

DATE: 10/28/83

FROM:

Gregory Koltonuk

Environmental Scientist (3AW22)

TO:

File

THRU: Peter Schaul

Chief, Waste Enforcement Section (3AW22)

THE STATE IS TAKING ACTION TO RESOLVE THE VIOLATIONS IN THIS

INSPECTION REPORT.

WE WILL MONITOR THE STATE ACTIVITY REGARDING RESOLUTION OF THESE

VIOLATIONS.

Note: DER to have issued

Order to facility during theweek of 10/24/83 for sam discrepancies. Will we get a cope ?